

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

18-cr-905 (SHS)

SHUAI SUN,

Defendants.

ORDER

SIDNEY H. STEIN, U.S. District Judge.

The government has moved *in limine* (ECF No. 211) in advance of the January 18, 2022 trial of this action for certain statements to be admitted as co-conspirator statements offered against an opposing party by that party's co-conspirators during and in furtherance of that conspiracy pursuant to Fed. R. Evid. 801(d)(2)(E); *see Bourjaily v. United States*, 483 U.S. 171, 175 (1987). The Court will defer ruling until it hears testimony and can better determine the context in which the statements were made. There is no need for the pretrial hearing requested by Sun.

The government is directed to respond to Sun's "Motions in Limine" (ECF No. 183) by December 29.

Sun has also made "Supplemental Motions in Limine" (ECF No. 213) in which he requests that Jencks Act materials be provided by January 4. The parties are directed to attempt to agree on a date for that material to be provided; if they are unable to agree, they are directed to notify the Court in writing.

The government is directed to provide Sun with its Rule 404(b)(3) notice on or before December 29.

There will be a final pretrial conference in this matter to discuss trial logistics in light of the pandemic on January 6, 2022 at 4:30 p.m. in Courtroom 23A of the U.S. Courthouse at 500 Pearl Street, New York, N.Y. (*see* ECF No. 207.) The trial shall commence on January 18, 2022 at 9:30 a.m.

Dated: New York, New York
December 22, 2021

SO ORDERED:



Sidney H. Stein, U.S.D.J.